

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 2:05-cr-00003-MR-DLH-5**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**CANDY SUE PATRICK WOOD,**

**Defendant.**

---

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**ORDER**

**THIS MATTER** is before the Court on the Defendant's "Motion for Reconsideration Reduction 18 USC § 3742(e) Post-Sentencing Rehabilitation Programming" [Doc. 165].

The Defendant moves pursuant to the Supreme Court's decision in Pepper v. United States, \_\_ U.S. \_\_, 131 S.Ct. 1229 (2011) for a sentence reduction based on her post-sentencing rehabilitation efforts. [Doc. 165].

A district court may modify a term of imprisonment only in limited circumstances. See 18 U.S.C. § 3582(b), (c). Specifically, "a district court 'may not modify a term of imprisonment once it has been imposed' unless the Bureau of Prisons moves for a reduction, the Sentencing Commission

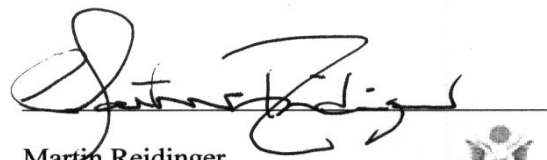
amends the applicable Guidelines range, or another statute or Rule 35 *expressly* permits the court to do so.” United States v. Goodwyn, 596 F.3d 233, 235 (4<sup>th</sup> Cir. 2010) (quoting 18 U.S.C. § 3582(c)). None of these circumstances is applicable in the present case.

The Defendant’s reliance on the Pepper decision is misplaced. In Pepper, the Supreme Court held that when a defendant's sentence *has been set aside on appeal* and the case remanded for resentencing, a district court may consider evidence of the defendant's post-sentencing rehabilitation in imposing a downward variance from the advisory Guidelines range. Pepper, 131 S.Ct. at 1241. The Defendant’s sentence has not been set aside by the Fourth Circuit Court of Appeals, and thus she is not entitled to a sentence reduction on this basis.

**IT IS, THEREFORE, ORDERED** that the Defendant’s “Motion for Reconsideration Reduction 18 USC § 3742(e) Post-Sentencing Rehabilitation Programming” [Doc. 165] is **DENIED**.

**IT IS SO ORDERED.**

Signed: May 15, 2014

  
Martin Reidinger  
United States District Judge

